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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,208	02/16/2001	Jorn Iversen	767834600001	6124
7380	7590	05/09/2006	EXAMINER	
SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/788,208	IVERSEN, JORN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 75-169 is/are pending in the application.
- 4a) Of the above claim(s) 103-137 and 164-169 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75-103 and 138-163 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/14/02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 75-169 are pending. Claims 104-137 and 164-169 have been withdrawn in this communication filed 03/07/06 entered as Response to Election/Restriction and Request for Extension of Time. Applicant elected Group I, claims 75-103 and 138-163 with traverse and with the right to pursue any or all of the non-elected claims in one or more applications that may be filed prior to the issuance of the patent of the present application. The response to the traversal will be addressed in the "Response to Traversal" section of this communication.
2. The IDS filed January 14, 2002 has been considered.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1, reference character "10" ; Figure 2, reference characters "31, 33, and 35"; Figure 3, reference characters "buyer 14", "seller 12", and "capital pool 20"; Figure 5, reference character "16 Transaction Agent", "bank draft 154" or "draft 154", and "store bank draft 218"; Figure 6, reference characters "CPN 152", "Notice of Custodian for CPN 242", "sell order 240", and "Moneyless fees and Holdback 244"; and Figure 8, reference characters "capital pool 20" and "Holdback 294". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 7 reference characters "84", "270", and "262" and Figure 9, reference character "104". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters in figure 1 "14" and "16" have both been used to designate "buyer" and reference character "20" has been used to designate "capital pool" and "banking institutions"; Figure 7 reference character "152" and "262" have both

been used to designate "CPN"; and Figure 9, reference character "290" and "292" have both been used to designate "money", "moneyless holdback" and "money from buyer's account". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both "capital pool" and "banking institutions" in figure 1; reference character "16" has been used to designate both "transaction agent" and "system agent"; reference character "14" has been used to designate both "transmitting module" and "delivery module"; and reference character "78" has been used to designate both "storage" and "secure storage" in figure 3; reference character "152" has been used to designate "PN", "PN and notification", and "notification" in Figure 4; and reference character "204" has been used to designate both "consideration given" and "consideration delivered"; reference character "214" has been used to designate both "notify seller of certified transaction" and notify seller PN verified"; and reference character "152" has been used to designate "PN", "PN and/or

the notification”, and “CPN” in figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the defects discussed above. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

4. The Specification is objected to because on page 1, line 9 recites “... performance. This delay creates obvious”. This line would be better recited as “... performance. This delay creates an obvious”. Also, the Specification in the “Detailed Description of the Drawings” does not have an identification as to which figure is being referenced. For example, figure 2 has some of the elements of figure 1 (“buyer 14”, “transaction agent 16”, “seller 12”); figure 3 has elements (“buyer 14”, “seller 12”, “capital

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pool 20”), figure 5 has some of the elements of figure 4 (“contract 150”, “notification 152”, “PN and/or notification 152”, “bank draft 154”, “draft verification module 154”, “receiving module 110” and “verification module 112”); and figures 6-9 the description is confusing because it is difficult to determine which figure the element is found since there are not identifiers, such as, for example, “now referring to figure \_\_\_\_” or “referring to figure \_\_\_\_”. On page 6, lines 21 and 22 recites “... in step 32. The transaction agent 16 receives a list of sellers from the buyer 14 in step 34. In step 36, ...”. The drawing figure 2 labels step 34 as “Receive List of Sellers, N=Number of Sellers” which is not in agreement with the Specification. On page 7, line 1 recites “enrollment information for each of the sellers 12 on the list of sellers. The transaction agent 16” and the drawing labels step 36 as “For  $I=1:N$ , Enroll Sellers” which is not in agreement with the Specification. Page 7, line 5 recites “collects on the bank draft and disburses funds ...” and the drawing figure 2 is labeled “Collect and Distribute Money”. Lines 7 and 11 recite “The setup steps 30-36” and the drawing figure has steps “30, 32, and 34”. These lines should be recited as “The setup steps 30, 32, and 34”. On page 13, Step 214 is referenced as “PN has been verified” and the drawing labels step “214” as “Notify Seller of Certified Transaction” which is not in agreement with the Specification. These are only some of the defects found in the Specification. Applicant is respectfully requested to review the Specification for other defects. Correction is required. See MPEP § 608.01(b).

A substitute specification is required pursuant to 37 CFR 1.125(a) because of the numerous defects.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 75 and 138 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 75 references "an apparatus" which is vague and unclear. It cannot be determined from the Specification and the claim language what Applicant means by "an apparatus". An "apparatus" by dictionary definition is defined as "a set of materials or equipment designed for a particular use (b) an instrument or appliance designed for a specific operation and (c ) the functional processes by means for which a systematized activity is carried out".



Claims 75 and 90 recites the limitations "buyer" and "seller" in different limitations in the body of the claim. Claim 138 recites the limitation "a purchase agreement" in line 7. Claim 151 recites the limitations "transferring" and "purchasing" in lines 3 and 6. There is insufficient antecedent basis for this limitation in the claim.

The dependent claims are also rejected since they depend from a rejected base claim.

### **Response to Traversal**

8. Applicant's election with traverse of Group I, claims 75-103 and 138-169 in the reply filed on 03/07/06 is acknowledged. The traversal is on the ground(s) that the Examiner would be exposed to the claims of Groups II, III, and IV when searching the claims of Group I and accordingly the Examiner would not be faced with undue burden to also search and examine the claims of Groups II, III, and IV. This is not found persuasive because Group I, claims 75-103 and 138-163 are directed to a negotiable instrument with an extended maturity date issued by a buyer and a capital pool to purchase an interest in the negotiable instrument classed in class 705, subclass 35; Group II claims 104-119 are directed to distribution of a payment to a seller classified in class 705, subclass 38; Group III, claims 120-137 is drawn to extending the payment term to a buyer classified in class 705, subclass 37; and Group IV, claims 164-169 are directed to paying a holder of the negotiable instrument the value of the negotiable instrument on the maturity date classified in class 705, subclass 80. Each of the groups of claims is searched in a different subclass as can be seen by their classification. None of the subclasses cross into each other. The burden undue on the Examiner

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because of the diverse subclasses and the distinct subject matter of each group of claims.

The requirement is still deemed proper and is therefore made FINAL.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Norris (US 6,105,007) disclosed a financial account processing system.

Silverman et al (US 6,625,583) disclosed a trading system.

### ***Inquiries***


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2006



ELLA COLBERT  
PRIMARY EXAMINER